



DEPARTMENT OF THE NAVY  
UNITED STATES FLEET FORCES COMMAND  
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5041  
Ser N01IG/152  
7 Dec 2017

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From: Commander, U.S. Fleet Forces Command (N01IG)  
To: Naval Inspector General

Subj: NAVY INSPECTOR GENERAL HOTLINE INVESTIGATION 201701624; ALLEGED ABUSE OF AUTHORITY IN THE EXECUTION OF COMMAND PROGRAMS AND DUTIES, AND FAILURE TO ACT UPON INCIDENTS OF MISCONDUCT OR COMPLAINTS

Ref: (a) Naval Inspector General Hotline complaint 201701624 of 8 May 17  
(b) SECNAVINST 5430.57G, Mission and Functions of the Naval Inspector General

Encl: (1) U.S. Fleet Forces Command Inspector General Report of Investigation (ROI) of 8 Nov 17  
(2) Legal Sufficiency Review of ROI by (b)(6), (b)(7)(C), USFF Assistant Fleet Judge Advocate of 24 Nov 17

1. In accordance with references (a) and (b), United States Fleet Forces Command Inspector General (USFF IG) conducted an investigation into allegations that (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); and (b)(6), (b)(7)(C); USS HUE CITY (CG 66), abused their authority in the execution of command programs and duties, and failed to act upon incidents of misconduct and complaints.

2. USFF IG conducted an investigation of the complaint listed in reference (a) in accordance with guidance outlined in reference (b). Enclosure (1) concluded, and enclosure (2) concurred, that the alleged actions were not violations of applicable regulations. I recommend this case be closed.

3. My point of contact for additional information is (b)(6), (b)(7)(C), Director of Investigations, U.S. Fleet Forces Command, (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C).

(b)(6), (b)(7)(C)

Fleet Inspector General

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Copy to:  
NAVINGEN  
COMNAVSURFLANT  
COMCARSTRKGRU TWO  
COMNAVSURFRON FOURTEEN

**Report of Investigation** (8 Nov 2017)  
NIGHTS Case #201701624

**EXECUTIVE SUMMARY**

The U. S. Fleet Forces Inspector General (USFF IG) conducted this investigation in response to numerous anonymous complaints which allege that (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, (b)(6), (b)(7)(C), HUE CITY, and (b)(6), (b)(7)(C), USS HUE CITY, abused their authority in the execution of command programs and duties in violation of Article 1023, U. S. Navy Regulations; and that (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) failed to act upon incidents of misconduct and complaints in violation of Article 1137, U. S. Navy Regulations.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY abused (b)(6), (b)(7) authority in the execution of command programs and duties in violation of Article 1023, U. S. Navy Regulations, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY, failed to act upon incidents of misconduct and complaints in violation of Article 1137, U. S. Navy Regulations, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY, abused (b)(6), (b)(7) authority in the execution of command programs and duties in violation of Article 1023, U. S. Navy Regulations, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY, failed to act upon incidents of misconduct and complaints in violation of Article 1137, U. S. Navy Regulations, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY, abused (b)(6), (b)(7)(C) authority in the execution of command programs and duties in violation of Article 1023, U. S. Navy Regulations, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) USS HUE CITY, failed to act upon incidents of misconduct and complaints in violation of Article 1137, U. S. Navy Regulations, is **not substantiated**.

USFF IG recommends closing this case.

**BACKGROUND**

After a catastrophic fire in April 2014, the USS HUE CITY spent over 18 months in-port undergoing maintenance and repairs. (b)(6), (b)(7)(C) assumed duties as the (b)(6), (b)(7)(C) on board the USS HUE CITY in June 2015 under (b)(6), (b)(7)(C) and by all accounts inherited a dispirited Chief's Mess. (b)(6), (b)(7)(C) relieved (b)(6), (b)(7)(C) as (b)(6), (b)(7)(C) of the

USS HUE CITY in FEB 2016; (b)(6), (b)(7)(C) reported on board as (b)(6), (b)(7)(C) in June 2016. A command climate survey conducted in August of 2016 indicated no major issues for immediate action, but did indicate below average responses for organizational effectiveness across all factors. The Command Managed Equal Opportunity (CMEO) representative at the time of the survey, (b)(6), (b)(7)(C), departed the command in September 2016. (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, became the CMEO representative in January 2017 – (b)(6), (b)(7)(C) had previously served as alternate CMEO from September 2016. After an accelerated training and certification cycle that concluded with a (Fleet Synthetic Training- Joint (FST-J) exercise over the November-December 2016 holiday leave period, USS HUE City departed in January 2017 for a planned seven month deployment.

Starting in 28 November 2016, USFF IG has received thirty complaints regarding alleged wrongdoing on the USS HUE CITY, with allegations ranging from failure of the command to take action; disparate treatment based upon gender, race, and departmental assignment; to assault and reprisal (Reference Cases: 201603795, 201700452, 201701332, 201701341, 201701352, 201701451, 201701624, 201701651, 201701664, 201701685, 201701753, 201701821, 201701921, 201702065, 201702297, 201702357, 201702382, 201702392, 201702431, 201702557, 201702755, 201702893, 201702894, 201702895, 201702902, 201702909, 201703303, 201703328, 201703430, 201703562). With the exception of cases 201603795, 201700452, 201701753, 20172755 and 201703328, all cases have been combined under NIGHTS case #201701624. The majority of these complaints were anonymous in nature. Cases 201603795 and 201700452, alleging (b)(6), (b)(7)(C) leadership failures, favoritism and CPO 365 program issues, were referred to HUE CITY for action in November 2016 and February 2017, respectively. HUE CITY completed a command directed investigation for each case with no substantiated allegations. Reprisal allegation cases 201701753, 201702755 and 201703328 are addressed in separate reports.

In May of 2017, Commander, Carrier Strike Group TWO (CCSG2), USS HUE CITY's operational Immediate Superior in Command (ISIC), initiated a series of assessments to determine the health and capability of the USS HUE CITY crew after the removal of seven Chief Petty Officers from the ship following Non Judicial Punishment (NJP) for a fraternization incident in April 2017. These assessments included an Afloat Culture Workshop (ACW), a Command Climate Specialist (CCS) assist visit, a CCSG2 Command Master Chief review of all personnel readiness programs and a Special Psychiatric Rapid Intervention Team (SPRINT) assessment to evaluate the wellbeing of the crew. Additionally, a separate NCIS investigation into an alleged sexual assault was conducted the week prior to the USFFIG team arrival onboard USS HUE CITY during the conduct of this investigation.

USFF IG investigators were embarked aboard HUE CITY between 31 May 2017 and 7 June 2017 to gather information regarding this case and Military Whistleblower Reprisal Case # 201701753. During individual interviews with nine junior enlisted sailors, fifteen chief petty

officers, and twelve officers, investigators asked each individual approximately 60 questions related to disparate treatment regarding race, gender, and sexual orientation regarding the following evolutions: disciplinary matters (Disciplinary Review Board (DRB)/Executive Officer Inquiry (XOI)/Captain's Mast); qualifications (Enlisted Surface Warfare Specialist (ESWS), Maintenance and Material Management (3M), Damage Control (DC), etc.); awards; Alcohol Related Incidents (ARI); evaluations/FITREPS (ranking boards); Liberty Risk Boards (LRB); Drug and alcohol Abuse program (DAPA); Career Development Board (CDB); CPO 365; Command Managed Equal Opportunity program (CMEO); collateral duty selection; chain-of-command failure to take action; health of the Chiefs mess; and (b)(6), (b)(7)(C) alleged lack of leadership attributes. Prior to departing the USS HUE CITY, USFF IG conducted an in-depth review of documentation related to Leave and Special Requests, the CMEO program, non-judicial punishment proceedings, the ESWS program, evaluation rankings, the Liberty Risk program, CPO365, Plans of the Day, and documents from the previous ACW, CCSG2 CSS assist visit, and CCSG2 Command Master Chief program review. As a result of the continuing allegations and to address reprisal cases 201702755 and 201703328, additional interviews were conducted with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) between August and September 2017.

## ALLEGATIONS AND FINDINGS

**Allegation One:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, abused (b)(6), (b)(7)(C) authority in the execution of command programs and duties, a violation of Article 1023, U. S. Navy Regulations.

**Allegation Two:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, abused (b)(6), (b)(7)(C) authority in the execution of command programs and duties, a violation of Article 1023, U. S. Navy Regulations.

**Allegation Three:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, abused (b)(6), (b)(7)(C) authority in the execution of command programs and duties, a violation of Article 1023, U. S. Navy Regulations.

### Standards:

Article 1023, U. S. Navy Regulations – Abuse of Authority states “Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.”

1) Naval Inspector General defines tyrannical conduct as *conduct which is unjustly cruel, harsh, or severe; arbitrary or oppressive*. Capricious conduct is *conduct which is impulsive or unpredictable*. Abusive language is defined as *language which is harsh and insulting*. To "injure" a subordinate, the conduct or language must involve more than a mere hurting of someone's feelings.

2) In defining what might constitute arbitrary, USFF IG incorporated the Navy Personnel Command definition of disparate treatment into its evidence of proof. Disparate treatment is defined as: *Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes.*

**Analysis and Finding:** Allegations regarding arbitrary or disparate treatment, both specific and generic, by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) in the handling of disciplinary actions, watchstanding assignments, leave and special request chit approvals, and rankings/evaluations were made throughout the complaints received. Due to the non-specific nature of the majority of the allegations, USFF IG attempted to build a baseline from which to compare the alleged arbitrary or disparate treatment; USFF IG reviewed existing documentation to ascertain facts for any actions taken relative to the programs or practices referenced in the allegations during the current chain of command (COC) tenure. Where allegations against specific individuals were identified, the specific incident was then evaluated against these actions to determine disparities.

**Non-judicial Punishment (NJP) Adjudication:** A review of documented HUE CITY non-judicial punishment activities was conducted as part of an overarching review to ascertain whether disparate treatment exists; a comprehensive review could not be completed as USS HUE CITY did not maintain NJP logs or records for individuals whose cases were dismissed at DRB or XOI. From the available documents, USFF IG found that 38 Sailors had been to NJP since (b)(6), (b)(7)(C) took command. Of the 38 Sailors taken to Captain's Mast, 37 were enlisted and one was an officer (b)(6), (b)(7)(C). The breakdown of the 38 NJP cases is as follows:

- Two cases (b)(6), (b)(7)(C) dismissed at Captain's Mast
- 29 Sailors were found guilty and were awarded extra duty and /or restriction, ranging between 14 to 45 days
- 7 Sailors were found guilty and removed from the ship pending additional administration action (ADSEP, retirement); all 7 of these Sailors were Chief Petty Officers.

USFF IG analyzed the percent of awarded NJP action and the percent of assigned HUE CITY personnel by race since (b)(6), (b)(7)(C) arrival to determine if awarded NJP actions were disproportionate. (Table 1) This analysis determined that, consistent with the racial demographics on the ship, African Americans and Caucasians made up the two largest groups of Sailors subjected to NJP actions. While the proportion of African Americans subjected to NJP actions (28.95%) was slightly higher than the demographics and higher than the percent of Caucasians subjected to NJP actions (26.32%), the amount was not significant and it was attributable to a single Seychelles incident which resulted in six African Americans receiving NJP. Prior to the Seychelles incident, African Americans were only responsible for 17.86% of NJP actions while Caucasians were responsible for 32.14% of NJP actions, which aligned with the ship's demographics. (Table 2)

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**Post Seychelles Incident**

Race	Declined to Answer	Amer. Indian/AK Native	Hispanic Descent	Multi-Race	African American	Unknown	Caucasian		Total # adjudicated at Captain's Mast
# of SM (NJP)	1	1	3	4	11	8	10		38
% of NJP action by race	2.63%	2.63%	7.89%	10.53%	28.95%	21.05%	26.32%		
% of SM assigned by race	1.57%	1.57%	14.15%	7.23%	24.84%	N/A	44.97%		Total # personnel assigned to HUE CITY
# of SM assigned by race	5	5	45	23	79	N/A	143		318

Table 1

**Pre-Seychelles Incident**

Race	Declined to Answer	Amer. Indian/AK Native	Hispanic Descent	Multi-Race	African American	Unknown	Caucasian		Total # adjudicated at Captain's Mast
# of SM (NJP)	1	1	1	3	5	8	9		28
% of NJP action by race	3.57%	3.57%	3.57%	10.71%	17.86%	28.57%	32.14%		
% of SM assigned by race	1.57%	1.57%	14.15%	7.23%	24.84%	N/A	44.97%		Total PAX assigned to HUE CITY
# of SM assigned by race	5	5	45	23	79	N/A	143		318

Table 2

Additionally, in response to allegations that the Chief Petty Officers were not advised of their Article 31(b) rights, USFF IG reviewed Captain's Mast records for nine Sailors taken to Captain's Mast with respect to the administration of Article 31(b) rights. USFF IG found that all nine Sailors had been advised of their rights utilizing a Military Suspect's Acknowledgement and Waiver of Rights (OPNAV 5527/3 or OPNAV 5580/3) or a Report and Disposition of Offenses (NAVPERS 1626/7); in four of the nine cases, the Sailors were advised of their rights utilizing both methods (Table 3). Both the Military Suspect's Acknowledgement and Waiver of Rights

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and Report and Disposition of Offenses contain language which informs the Sailor of the accusation leveled against them, that they do not have to answer any questions or make any statement regarding the offense in which they are accused, and that any statements made by or questions answered by the Sailor may be used as evidence against them in the event of trial by court-martial. USFF Office of General Counsel provided clarification on this matter and determined that while the Rules of Evidence do not apply with Captain's Mast, the issuance of rights, by either method, would be considered appropriate for Captain's Mast proceedings.

### Article 31(b) Acknowledgement of Rights

Name	Race	Gender	Depart	OPNAV 5527/3	OPNAV 5580/3	NAVPERS 1626/7
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)			X
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)			X
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)			X
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)	X		X
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)	X		X
(b)(6), (b)(7)(C)	Hispanic	Male	(b)(6), (b)(7)(C)	X		
(b)(6), (b)(7)(C)	Hispanic	Female	(b)(6), (b)(7)(C)	X		
(b)(6), (b)(7)(C)	Multi-Race	Female	(b)(6), (b)(7)(C)		X	X
(b)(6), (b)(7)(C)	African American	Male	(b)(6), (b)(7)(C)	X		X

Table 3

USFF IG also inquired into the specific allegations that (b)(6), (b)(7)(C) did not prefer Article 107 (False Statements) charges against (b)(6), (b)(7)(C) for falsely accusing (b)(6), (b)(7)(C) of sexual assault and asking a Sailor to make false statements in support of (b)(6), (b)(7)(C) allegations because (b)(6), (b)(7)(C) is Caucasian and (b)(6), (b)(7)(C) is African American.

NCIS conducted an investigation into the sexual assault allegations (CCN: 09MAR17-EURT-0051-8SNA/C). During the course of that investigation, NCIS interviewed (b)(6), (b)(7)(C), the Sailor alleged to have made a false supporting statement. (b)(6), (b)(7)(C) denied that (b)(6), (b)(7)(C) attempted to influence (b)(6), (b)(7)(C) testimony. On 18 May 2017, (b)(6), (b)(7)(C) received a prosecutorial merit recommendation from Region Legal Service Office Southeast (RLSO-SE) which concluded that *"the government lacked probable cause to prosecute the sexual contact charge, and that the nature and circumstance of the remaining sexual harassment allegations did not warrant a court-martial."* It also stated that the most germane factors in coming to their recommendation were the lack of corroborating evidence, the nature and circumstances of the allegation, and possible motivation or bias of the victim. (b)(6), (b)(7)(C) testified to USFF IG investigators that while there was not enough evidence to warrant a sexual assault charge, (b)(6), (b)(7)(C) did however feel that (b)(6), (b)(7)(C) had enough evidence based on information provided to (b)(6), (b)(7)(C) by NCIS that (b)(6), (b)(7)(C) touched (b)(6), (b)(7)(C) inappropriately and that (b)(6), (b)(7)(C) did not believe (b)(6), (b)(7)(C) provided false testimony. As such, (b)(6), (b)(7)(C) awarded (b)(6), (b)(7)(C) a Non-punitive Letter of Caution (NPLOC) for non-sexual contact for touching (b)(6), (b)(7)(C) in the small of the back and declined to take any action against (b)(6), (b)(7)(C) for filing a complaint.

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There is no evidence to support the allegation that NJP actions taken by (b)(6), (b)(7)(C) were based on race or disparate in treatment.

**Fraternization:** USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) alleged that fraternization is allowed aboard HUE CITY because those who are well-liked are allowed to break the rules. Additionally, USFF IG received complaints which alleged racial bias in that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), both Caucasian Sailors and members of (b)(6), (b)(7)(C), were allowed to carry on a sexual relationship that (b)(6), (b)(7)(C) was aware of; that (b)(6), (b)(7)(C) had slept with one of (b)(6), (b)(7)(C) subordinates and had become pregnant by a married (b)(6), (b)(7)(C); and that a Caucasian Chief had been swimming in the ocean in his underwear with an E-4 and was not charged with fraternization.

Due to the non-specific nature of the allegation made by (b)(6), (b)(7)(C) USFF IG reviewed fraternization actions since (b)(6), (b)(7)(C) arrival aboard HUE CITY. Interviews with HUE CITY Sailors and documentary evidence reviewed resulted in the identification of fifteen Sailors who were either alleged to have engaged in fraternization, or received NJP action as a result of fraternization.

Of the fifteen Sailors identified, three Sailors received NJP action for fraternization - (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C). Two Sailors (b)(6), (b)(7)(C) who were initially investigated for fraternization were ultimately found guilty at Captain's Mast for different violations. Ten Sailors (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) / (b)(6), (b)(7)(C) were not subjected to disciplinary actions.

An individual breakdown of the fraternization allegations/cases follows:

(b)(6), (b)(7)(C) (Male-African American): A review of documents revealed an anonymous note had been placed in the CO's suggestion box on 19 April 2017 which alleged that both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had individually engaged in an inappropriate relationship with (b)(6), (b)(7)(C). At the time the note was received, (b)(6), (b)(7)(C) was onboard USS BATAAN as a non-medical escort for another HUE CITY Sailor. On 20 April 2017, (b)(6), (b)(7)(C) provided a written statement to the USS BATAAN Security Officer in which (b)(6), (b)(7)(C) admitted having a sexual relationship with (b)(6), (b)(7)(C); (b)(6), (b)(7)(C) denied having an improper relationship with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was charged with violating Article 92 (failure to obey order or regulation), and Article 134 (Adultery) for engaging in an unduly familiar relationship and adulterous affair with (b)(6), (b)(7)(C). On 23 April 2017, (b)(6), (b)(7)(C) found (b)(6), (b)(7)(C) guilty of both Article 92 and Article 134; (b)(6), (b)(7)(C) was issued a Punitive Letter of Reprimand and removed from the HUE CITY.

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(b)(6), (b)(7)(C) (Female-Multi-Race): A review of documents found an anonymous note had been placed in the CO's suggestion box on 19 April 2017 which alleged that both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had individually engaged in an inappropriate relationship with (b)(6), (b)(7)(C). On 20 April 2017, (b)(6), (b)(7)(C) waived (b)(6), (b)(7)(C) right to remain silent and provided a written statement to the USS BATAAN Security Officer in which (b)(6), (b)(7)(C) admitted having a sexual relationship with both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). On 26 April 2017, (b)(6), (b)(7)(C) was charged with two specifications of Article 92 (failure to obey order or regulation), in that (b)(6), (b)(7)(C) engaged in sexual relationships with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), a violation of the Navy Fraternization Policy. On 30 April 2017, (b)(6), (b)(7)(C) found (b)(6), (b)(7)(C) guilty of both specifications of Article 92 and awarded (b)(6), (b)(7)(C) a reduction in rank to E-4.

(b)(6), (b)(7)(C) (Male-African American): A review of documents found an anonymous note had been placed in the CO's suggestion box on 19 April 2017 which alleged that both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had individually engaged in an inappropriate relationship with (b)(6), (b)(7)(C). On 19 April 2017, (b)(6), (b)(7)(C) had a meeting with (b)(6), (b)(7)(C) to discuss the allegation made on the note found in the CO's Suggestion Box earlier that day. Also in the room for the meeting were (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), USS HUE CITY (b)(6), (b)(7)(C). During this conversation, (b)(6), (b)(7)(C) admitted to engaging in a sexual relationship with (b)(6), (b)(7)(C). On 20 April 2017, (b)(6), (b)(7)(C) provided a written statement to the USS BATAAN Security Officer in which (b)(6), (b)(7)(C) admitted having a sexual relationship with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was charged with violating Article 92 (failure to obey order or regulation), and Article 134 (Adultery) for engaging in an unduly familiar relationship and adulterous affair with (b)(6), (b)(7)(C). On 23 April 2017, (b)(6), (b)(7)(C) found (b)(6), (b)(7)(C) guilty of both Article 92 and Article 134; (b)(6), (b)(7)(C) was issued a Punitive Letter of Reprimand and removed from the HUE CITY.

(b)(6), (b)(7)(C) (Male-Hispanic) / (b)(6), (b)(7)(C) (Female-Hispanic): USFF IG received a complaint which alleged that a Caucasian Chief, who had been swimming in the ocean while in-port the Seychelles in (b)(6), (b)(7)(C) underwear with an E-4, was not charged with fraternization; USFF IG determined the Chief in question to be (b)(6), (b)(7)(C), a Sailor of Hispanic descent. A review of a command directed investigation found that (b)(6), (b)(7)(C) had entered the ocean wearing only (b)(6), (b)(7)(C) underwear and called to a random group of HUE CITY Sailors on the beach encouraging them to join him vice inviting a specific Sailor to join him; (b)(6), (b)(7)(C), ignoring the instruction of senior ranking Sailors, entered the ocean in (b)(6), (b)(7)(C) underwear. This interaction was immediately stopped by senior HUE CITY personnel who witnessed the interaction; (b)(6), (b)(7)(C) was instructed by (b)(6), (b)(7)(C) to return to (b)(6), (b)(7)(C) hotel room for the evening and report to the HUE CITY the following morning. (b)(6), (b)(7)(C) was returned to the ship immediately. (b)(6), (b)(7)(C) was taken to NJP and found guilty of Article 134 (Disorderly Conduct – Drunkenness for actions related to the swimming incident) and Article 89 (Disrespect toward a superior commissioned officer) for a prior incident where he made inappropriate comments to the Admin Officer). (b)(6), (b)(7)(C) was awarded a Punitive Letter of Reprimand and removed from the HUE CITY. (b)(6), (b)(7)(C) was found

guilty of Article 134 (Disorderly Conduct – Drunkenness) and awarded a reduction in rank to E-3 (suspended for 6 months) and 30 days of extra duty and restriction.

(b)(6), (b)(7)(C) (Female-Caucasian) / (b)(6), (b)(7)(C) (Male-Declined to Answer): USFF IG received a complaint which alleged (b)(6), (b)(7)(C) had become pregnant by (b)(6), (b)(7)(C), a married Chief Petty Officer; slept with a subordinate, (b)(6), (b)(7)(C); and harassed (b)(6), (b)(7)(C) for reporting (b)(6), (b)(7)(C) alleged relationship with (b)(6), (b)(7)(C).

USFF IG reviewed documentary and testimonial evidence and found the following:

A review of records found (b)(6), (b)(7)(C) departed HUE CITY on or about 10 October 2016, approximately 10 weeks prior to HUE CITY's deployment, and gave birth to a child on 13 April 2017. USFF IG interviewed (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) who testified that it was not brought to their attention that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) may have been engaged in an allegedly improper relationship. (b)(6), (b)(7)(C) did however acknowledge that (b)(6), (b)(7)(C) heard jokes in the Chief's Mess about (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) which (b)(6), (b)(7)(C) contributed to rumor because *"two Chiefs talking in the Chief's Mess results in Rumors or jokes that they're in a relationship."* (b)(6), (b)(7)(C) further testified that (b)(6), (b)(7)(C) never saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) together outside of the Chief's Mess.

USFF IG found that on 2 February 2016, the previous HUE CITY (b)(6), (b)(7)(C) initiated a preliminary inquiry into the circumstances surrounding allegations of misconduct involving (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). On 17 March 2016, (b)(6), (b)(7)(C) was issued a Non-punitive Letter of Caution from the previous CO for participating in a conversation that was determined to be an unduly familiar relationship. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had not yet reported to the HUE CITY; (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) arrived onboard 45 days and 108 days, respectively, after the incident occurred. As this incident occurred prior to (b)(6), (b)(7)(C) arrival onboard HUE CITY, this is not being included in the overall statistical analysis of fraternization type activities.

USFF IG found that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) about (b)(6), (b)(7)(C) creating a hostile work environment and possibly sexually harassing (b)(6), (b)(7)(C), an interaction which resulted in the 2 February 2016 initiation of a preliminary inquiry and (b)(6), (b)(7)(C) being issued a Non-punitive Letter of Caution for participating in a conversation that was determined to be an unduly familiar relationship. USFF IG determined that the alleged harassment of (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C) was related to tag-out procedures and not his report of the relationship between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) requested, and was granted, a transfer to a different division not under (b)(6), (b)(7)(C) leadership. As stated previously, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had not yet reported to HUE CITY when this incident occurred.

(b)(6), (b)(7)(C) (Male-Caucasian) / (b)(6), (b)(7)(C) (Female-Caucasian): USFF IG received a complaint which alleged that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were allowed to engage in an inappropriate relationship with full knowledge of (b)(6), (b)(7)(C) because both Sailors are Caucasian and belong to

the Combat Systems Department. USFF IG spoke with (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), who testified that (b)(6), (b)(7)(C) saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) together on liberty, and while (b)(6), (b)(7)(C) didn't see anything out of the ordinary such as touching or other displays of affection (b)(6), (b)(7)(C) felt that in light of previous complaints from (b)(6), (b)(7)(C) wife that (b)(6), (b)(7)(C) was having an affair with a sailor on the ship "it just didn't look right." (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) immediate chain-of-command, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), about (b)(6), (b)(7)(C) concerns. (b)(6), (b)(7)(C) followed up with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) who stated that they spoke with both parties and that each denied having a relationship; (b)(6), (b)(7)(C) was counseled in writing by (b)(6), (b)(7)(C) Leading Chief Petty Officer, (b)(6), (b)(7)(C), about the perception of fraternization and adultery. (b)(6), (b)(7)(C) testified that no evidence of wrongdoing was discovered; (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were not in a supervisory relationship at the time.

(b)(6), (b)(7)(C) (Male-Caucasian) / (b)(6), (b)(7)(C) (Female-Multi-Race): USFF IG received a complaint which alleged that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were caught by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) kissing and fondling each other. Testimonial evidence reveals that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) together at dinner, and while (b)(6), (b)(7)(C) did not witness anything inappropriate, (b)(6), (b)(7)(C) informed their section leader, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and asked them to speak with the Sailors. According to (b)(6), (b)(7)(C), the leadership spoke with (b)(6), (b)(7)(C) the next day and informed (b)(6), (b)(7)(C) that the two Sailors and their spouses are family friends. (b)(6), (b)(7)(C) did acknowledge that soon after (b)(6), (b)(7)(C) heard a rumor that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had been caught kissing by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) was unaware of any rumors about (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) only that (b)(6), (b)(7)(C) recalls seeing them together once in Estonia.

(b)(6), (b)(7)(C) (Male-African American) / (b)(6), (b)(7)(C) (Female-African American) / (b)(6), (b)(7)(C) (Male-Caucasian) / (b)(6), (b)(7)(C) (Female-African American): USFF IG received a complaint which alleged that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) engaged in an inappropriate relationship which was known to five Chief Petty Officers. USFF IG spoke with (b)(6), (b)(7)(C) regarding the allegation who testified that a typed note had been placed in the CO's suggestion box that read, "(b)(6), (b)(7)(C) + (b)(6), (b)(7)(C) = Adultery; (b)(6), (b)(7)(C) + (b)(6), (b)(7)(C) = Adultery." (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) informed the (b)(6), (b)(7)(C) about the note and spoke with the Chiefs responsible for the four named Sailors. (b)(6), (b)(7)(C) determined, based on conversations with the Sailors and their Chiefs, that no wrongdoing had occurred and that a formal preliminary inquiry was not required. (b)(6), (b)(7)(C) further testified that (b)(6), (b)(7)(C) had no reason to believe that any Chief Petty Officers were aware, or concealed knowledge of, inappropriate behavior between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

(b)(6), (b)(7)(C)

Of the examples of fraternization analyzed, USFF IG determined that 15 Sailors (5-Chief Petty Officers, 10-Junior Enlisted) were involved in, or rumored to be involved in fraternization type activities (see Table 4). With regard to the Chief Petty Officers, USFF IG found that two African American male Chiefs were found guilty of fraternization and adultery as result of a command directed investigation based on the written statement from a female junior enlisted Sailor who admitted to engaging in a sexual relationship with both Chiefs; a Hispanic male Chief was found guilty of disrespect toward a superior commissioned officer and disorderly conduct as a result of a command directed investigation which determined that the Chief made an inappropriate comment towards an Ensign, and that while drunk, entered the ocean in his underwear and solicited a group of HUE CITY Sailors to join him; and that two Chiefs (Caucasian-Female, Declined to Answer-Male) were not investigated for wrongdoing as no complaint was ever brought to the chain-of-command's attention.

Of the ten junior enlisted, one African American female was found guilty at Captain's Mast after admitting to fraternizing with two Chiefs; one Hispanic female was found guilty of disorderly conduct as result of a command directed investigation which found that (b)(6), (b)(7)(C) entered the ocean in (b)(6), (b)(7)(C) underwear, ignoring senior ranking Sailors who directed (b)(6), (b)(7)(C) to stop the activities of six (b)(6), (b)(7)(C) ors (4 Male, 4 Female : 4 Caucasian, 3 African American Multi-Race) were examined by their immediate chain-of-command but were not subjected to inquiry or punishment.

#### HUE CITY Fraternization Actions (23Mar16 - 31 May16)

NJP (Fraternization)			NJP (Other)			No NJP Action		
(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Hispanic	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Caucasian	(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Hispanic	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Caucasian	(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)	Multi-Race	(b)(6), (b)(7)(C)				(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	Caucasian	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	Declined	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	Caucasian	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	African American	(b)(6), (b)(7)(C)
						(b)(6), (b)(7)(C)	Multi-Race	(b)(6), (b)(7)(C)

Table 4

The preponderance of the evidence reveals that the HUE CITY chain-of-command, when notified of wrongdoing, acted consistently when presented with like situations regardless of gender, race, or department. USFF IG found no instances of disparate treatment regarding fraternization based on gender, race, sexual orientation, or department, and none were offered by the present crew during interviews.

**Disparate ARI Adjudication:** USFF IG received complaints which alleged preferential treatment based on gender and race in that 1) a Latino female attended Captain's Mast for a second ARI while on liberty in the Seychelles and that (b)(6), (b)(7)(C) "dropped it" because the Sailor is female and not African-American while an African-American in the same department as the female Sailor was found guilty at Captain's Mast and reduced in rank for disrespecting the Chief's Mess; 2) that (b)(6), (b)(7)(C) was drunk and impersonated a doctor in an attempt to sleep with a nurse and was rewarded with an "EP" evaluation because (b)(6), (b)(7)(C) is Caucasian; 3) that (b)(6), (b)(7)(C) had signed out as a non-drinker but had been found unresponsive by local Seychelles personnel without his liberty buddy and that this was allowed because (b)(6), (b)(7)(C) is Caucasian; and 4) that an unnamed (b)(6), (b)(7)(C) involved in an alcohol incident which resulted in a "be on the lookout for" (BOLO) alert was not disciplined because the Sailor is not African-American.

USFF IG reviewed documentary and testimonial evidence and found the following relative to the four allegations:

1) USFF IG identified these Sailors as (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) violated a lawful order not to drink while (b)(6), (b)(7)(C) was "a little difficult" when (b)(6), (b)(7)(C) returned from liberty. Testimony revealed that (b)(6), (b)(7)(C) returned to HUE CITY inebriated and was yelling at (b)(6), (b)(7)(C) liberty buddies until (b)(6), (b)(7)(C) was calmed by Chief Petty Officers aboard HUE CITY. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) dismissed (b)(6), (b)(7)(C) Seychelles incident at Captain's Mast because (b)(6), (b)(7)(C) didn't classify the incident as a new ARI, rather (b)(6), (b)(7)(C) classified it as a continuation of (b)(6), (b)(7)(C) pre-deployment ARI since (b)(6), (b)(7)(C) had failed to complete the alcohol dependency program. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) was remorseful, acknowledging (b)(6), (b)(7)(C) alcohol dependency and (b)(6), (b)(7)(C) desire to complete the alcohol dependency program upon completion of the deployment.

A review of Captain's Mast documents and testimony revealed that (b)(6), (b)(7)(C) was found guilty at Captain's Mast of three specifications to include Article 92 (Failure to obey order and regulation), Article 86 (AWOL), and Article 91 (Insubordinate conduct toward a WO, NCO, or PO). Testimony and documents reveal that as a result of an earlier incident where (b)(6), (b)(7)(C) got drunk, overslept and was late for duty, (b)(6), (b)(7)(C) had been placed on "Alpha" liberty risk and was issued a "No Drink Order" by (b)(6), (b)(7)(C); an order that (b)(6), (b)(7)(C) disobeyed. NJP documents

(b)(6), (b)(7)(C)

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also revealed that while attending DRB, (b)(6), (b)(7)(C) told the Chief's Mess to, "*Fuck it, send me home.*" (b)(6), (b)(7)(C) was reduced in rank to the next inferior pay grade, ordered to forfeit ½ month pay for one month, and awarded 14 days of extra duties.

2) USFF IG determined that (b)(6), (b)(7)(C) incident at the hospital occurred approximately two years prior under a different commanding officer; therefore USFF IG did not consider or analyze this incident.

3) USFF IG found that (b)(6), (b)(7)(C) was returned to the HUE CITY by local Seychelles security personnel after being found drunk and disorientated at a local festival. However, testimony provided during multiple interviews differed as to the level of drunkenness exhibited by (b)(6), (b)(7)(C); testimonial evidence reveals that (b)(6), (b)(7)(C) had been designated as the "non-drinker" of (b)(6), (b)(7)(C) liberty group, but was not issued a "No Drink Order" like (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) case was dismissed at DRB and (b)(6), (b)(7)(C) was assigned EMI and placed on "Charlie" liberty risk by the LRB as a first offense.

4) USFF IG determined the unnamed (b)(6), (b)(7)(C) to be (b)(6), (b)(7)(C). On 18 October 2016, (b)(6), (b)(7)(C) was involved in a vehicular altercation with damage on Naval Station Mayport (NAVSTA Mayport) which resulted in (b)(6), (b)(7)(C) apprehension by the NAVSTA Mayport police. NAVSTA Mayport police notified the HUE CITY Command Duty Officer, (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) was released to (b)(6), (b)(7)(C) section leader, (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) testified to USFF IG investigators that (b)(6), (b)(7)(C) didn't recall the specifics of the incident but believed that (b)(6), (b)(7)(C) allowed the incident to be handled as a civil matter between (b)(6), (b)(7)(C) and the other vehicle owner.

USFF IG analyzed alcohol related incidents in two regards since (b)(6), (b)(7)(C) arrival; 1) whether there was disparate treatment in bringing personnel to NJP, and 2) if brought to NJP, whether punishment awarded was disparate.

This analysis revealed that fourteen Sailors had been subjected to ARI NJP actions, with Multi-Race and Caucasian Sailors accounting for 28.57% of all actions, and Hispanic Sailors accounting for 21.42% of ARI NJP actions. This analysis also offered that of the fourteen Sailors brought to NJP (5-Female, 9-Male), female Sailors made up 35.71% of all actions with male Sailors accounting for 64.28%; female Sailors made up 16.66% of the crew with male Sailors accounting for 83.33% of the crew. (Table 5) Of the ethnic categories, only Hispanic and Multi-Race categories appear disproportionately higher than their corresponding crew composition. Within the Multi-Race category, one female was responsible for two incidents. From interviews and records, we identified six individuals involved in incidents where alcohol was an indirect factor who did not go to NJP: 3 Caucasian Males, 1 Caucasian Female, 1 Hispanic Male, and 1 African American Female. USS HUE CITY did not maintain records of DRB, XOI or Liberty Risk Board meetings, so it is difficult to develop a complete list of incidents involving alcohol.

**HUE CITY ARI NJP Actions (23Mar16 - 31May16)**

Race	Unknown (1-Male)	African American (2-Male)	Hispanic (2-Female : 1-Male)	Caucasian (4-Male)	Multi-Race (3-Female : 1-Male)	Total Adjudicated
# of SM (NJP)	1	2	3	4	4	14
% of NJP action by race	7.14%	14.28%	21.42%	28.57%	28.57%	
% of SM assigned by race	N/A	24.84%	14.15%	44.96%	7.23%	Total # personnel assigned to HUE CITY
# of SM assigned by race	N/A	79	45	143	23	318

Table 5

With respect to punishment awarded at NJP, USFF IG found that ten Sailors were subjected to NJP actions with each being awarded extra duty and /or restriction ranging between 14 to 45 days; six Sailors were awarded a reduction in rank (suspended for six months); two Sailors were reduced in rank; three Sailors forfeited pay; one Sailor received a PLOR; and one Sailor had their case dismissed at Captain's Mast as (b)(6), (b)(7)(C) considered the action not to be an ARI, rather a continuation of a prior event. While USFF IG did find differing perceptions of what constitutes an ARI among the crew, (b)(6), (b)(7)(C) defined an ARI as an incident that involves alcohol and a UCMJ violation. USFF IG found no instances of disparate treatment regarding ARI's based on gender, race, sexual orientation, or department, and none were offered by the crew during interviews. The preponderance of the evidence reveals that, based on Captain's Mast documents and testimonial evidence, (b)(6), (b)(7)(C) took action on all ARI's brought to their attention with disciplinary action determined on a case-by-case basis thought to best serve the crew member in question.

**2017 E-5 Evaluations:** NAVINSGEN received a complaint alleging inconsistently applied standards for evaluations and promotion recommendations, specifically regarding ESWS qualifications. The complaint specifically states that "...their [sic] are Chiefs and Sailors who are dink [sic] in ESWS who some how [sic] manage to get EP evals!!!!!! (b)(6), (b)(7)(C) has stated that some rates will not get an EP while (b)(6), (b)(7)(C) even if (b)(6), (b)(7)(C) has to give an EP to someone of a rate of (b)(6), (b)(7)(C) liking that is dink in ESWS..."

USFF IG reviewed the ESWS program and found the program had suffered due to the amount of time the HUE CITY spent in port following the 2014 fire, during which time it became increasingly difficult for Sailors to obtain the training and experience necessary for ESWS qualification. Documentary and testimonial evidence revealed that the ESWS program was

suspended in its entirety for approximately eight weeks shortly after (b)(6), (b)(7)(C) assumed (b)(6), (b)(7)(C) duties in June 2015 due to issues (b)(6), (b)(7)(C) identified with the program. The ESWS program was reinstated in September 2015 with the promulgation of a new ESWS instruction (HUECITYINST 1414.1G). The command ESWS instruction was rewritten to reflect Commander, Naval Surface Force Atlantic (CNSL) ESWS guidance. Approximately ten months later, the ESWS program was reworked again due to perceived confusion regarding ESWS re-qualification. Re-qualification issues persisted and were addressed in May 2017 with the promulgation of HUE CITY ESWS instruction (HUECITYINST 1414.1H).

USFF IG reviewed the E-5 rankings as they were the most recent group of Sailors that were ranked; this group consisted of 67 E-5's. (b)(6), (b)(7)(C) testified that the E-5's were ranked by the E-6's, Chief's Mess, Department Heads, Command Master Chief, and the Executive Officer, who is the Reporting Senior for E-5 evaluations. HUE CITY did not promulgate a command note outlining the conduct of the E-5 periodic evaluation process. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) ranked the E-5's with the assistance of (b)(6), (b)(7)(C), with the exception of (b)(6), (b)(7)(C) who declined to participate via email because (b)(6), (b)(7)(C) believed the rankings had been "*settled already*." (b)(6), (b)(7)(C) has consistently used this method since (b)(6), (b)(7)(C) in 2011; a process that results in one collaborative ranking presented to the Reporting Senior (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) testified that the Chief's Mess took ESWS qualifications into account while ranking the E-5's, ranking Sailors who were delinquent in ESWS qualification as Promotable ("P"); the department heads and (b)(6), (b)(7)(C) chose not to use ESWS qualification as ranking criteria due to qualification issues that had been discovered and not yet resolved. (b)(6), (b)(7)(C) decision not to penalize Sailors for being delinquent in ESWS was echoed by (b)(6), (b)(7)(C), who as (b)(6), (b)(7)(C) for E-5's, has the final word. This adjusted rating criteria resulted in a vastly different ranking provided by the department heads and CMC from what the E-6's and CPO's provided. (Table 6) (b)(6), (b)(7)(C) was aware that (b)(6), (b)(7)(C) utilized the senior chiefs to produce (b)(6), (b)(7)(C) rankings. Interviews with USS HUE CITY department heads consistently confirmed that they decided to remove ESWS qualifications as criteria for ranking due to the existing qualification issues.

## HUE CITY 2017 E-5 Rankings

Rate	Dept.	LPO	CPO	DH	CMC	XO	Rank	Trait	Rate	Dept.	LPO	CPO	DH	CMC	XO	Rank	Trait
GSM2	ENG	2	2	1	1	1	1	EP	IT2	OPS	49	66	38	35	35	35	MP
CS2	SUP	3	3	2	2	2	2	EP	CS2	SUP	43	64	55	36	36	36	MP
EM2	ENG	4	4	3	3	3	3	EP	HT2	ENG	31	56	53	37	37	37	MP
STG2	CS	53	58	4	4	4	4	EP	FC2	CS	55	36	43	38	38	38	MP
BM2	OPS	1	1	6	5	5	5	EP	OS2	OPS	59	23	25	39	39	39	MP
BM2	OPS	5	5	5	6	6	6	EP	IT2	CS	64	51	61	40	40	40	MP
FC2	CS	6	7	7	7	7	7	EP	OS2	OPS	56	29	16	42	41	41	MP
CS2	SUP	22	6	20	8	8	8	EP	LS2	SUP	61	33	41	41	42	42	P
ET2	ENG	8	9	9	9	9	9	EP	FC2	CS	57	26	64	63	43	43	P
GSE2	ENG	7	8	8	10	10	10	EP	CTR2	OPS	32	27	35	43	44	44	P
LS2	SUP	21	10	10	11	11	11	EP	ET2	ENG	60	43	60	44	45	45	P
SH2	SUP	52	57	26	12	12	12	EP	QM2	EXEC	11	28	48	45	46	46	P
IC2	OPS	10	11	14	13	13	13	EP	OS2	OPS	13	34	12	46	47	47	P
FC2	CS	14	13	15	14	14	14	EP	GSE2	ENG	35	25	51	47	48	48	P
LS2	SUP	9	15	13	15	15	15	MP	CTT2	OPS	38	30	40	48	49	49	P
FC2	CS	27	35	31	16	16	16	MP	STG2	CS	24	37	30	49	50	50	P
OS2	OPS	34	12	39	17	17	17	MP	STG2	CS	58	40	47	50	51	51	P
STG2	CS	39	18	29	18	18	18	MP	FC2	CS	42	42	33	51	52	52	P
FC2	CS	16	14	18	19	19	19	MP	IT2	CS	50	60	52	52	53	53	P
FC2	CS	12	21	11	20	20	20	MP	GM2	WEPS	29	69	34	53	54	54	P
SH2	SUP	25	19	27	21	21	21	MP	GM2	WEPS	20	41	46	54	55	55	P
BM2	OPS	41	52	49	22	22	22	MP	FC2	CS	46	68	56	55	56	56	P
CS2	SUP	45	59	58	23	23	23	MP	GM2	WEPS	36	67	65	56	57	57	P
IT2	CS	15	17	17	24	24	24	MP	CTT2	OPS	26	53	54	57	58	58	P
GSE2	ENG	48	63	37	25	25	25	MP	ET2	ENG	63	45	63	58	59	59	P
ET2	ENG	19	22	22	26	26	26	MP	OS2	OPS	65	54	62	59	60	60	P
FC2	CS	28	32	36	27	27	27	MP	OS2	OPS	33	55	45	60	61	61	P
YN2	EXEC	18	31	66	28	28	28	MP	STG2	CS	37	44	44	61	62	62	P
EM2	ENG	23	24	21	29	29	29	MP	STG2	CS	62	49	50	62	63	63	P
CS2	SUP	44	65	57	30	30	30	MP	OS2	OPS	66	50	66	65	64	64	P
FC2	CS	40	20	23	31	31	31	MP	QM2	EXEC	51	61	59	64	65	65	P
FC2	CS	54	39	24	32	32	32	MP	ET2	ENG	67	46	67	66	66	66	P
GSE2	ENG	47	62	42	33	33	33	MP	CTM2	OPS	68	48	28	67	67	67	P
CTT2	OPS	17	16	19	34	34	34	MP									

ESWS Dink

Table 6

(b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) had only one complaint regarding the E-5 rankings, and that came from (b)(6), (b)(7)(C) chain-of-command; concerns over (b)(6), (b)(7)(C) ranking were also brought to our attention by his chain of command

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who disagreed with his final ranking. A review of ranking documents showed (b)(6), (b)(7)(C) was ranked number 13 and 12 by the E-6's and Department Heads, respectively, while the Chief's Mess ranked (b)(6), (b)(7)(C) as 34, and the (b)(6), (b)(7)(C) ranked (b)(6), (b)(7)(C) number 46 and 47, respectively. (b)(6), (b)(7)(C) believed the complaint stemmed from the concern that a "P" promotion recommendation would affect the officer package (b)(6), (b)(7)(C) was planning to submit. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) chain-of-command believed (b)(6), (b)(7)(C) should be ranked higher due to the fact that (b)(6), (b)(7)(C) was serving as the ESWC coordinator, a position a Chief would normally hold. (b)(6), (b)(7)(C) testified that his response to this argument was that (b)(6), (b)(7)(C) was a young E-5 who had only been aboard for four months prior to the ranking, that (b)(6), (b)(7)(C) had only been serving as the ESWC coordinator for a month prior to ranking, and that it was a highly competitive field of E-5's. (b)(6), (b)(7)(C) made note that (b)(6), (b)(7)(C) Departmental LCPO, (b)(6), (b)(7)(C) was absent during this meeting. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) about the ranking in question and that (b)(6), (b)(7)(C) shared (b)(6), (b)(7)(C) determination that a recently arrived Sailor should not be ranked as an "EP."

USFF IG reviewed the E-5 rankings for the eleven sailors who were delinquent in their ESWC qualifications. Ten of the eleven were ranked as a "P" by the E6 and Chiefs Mess with one sailor ranked as an "MP". After the ESWC qualification was removed from the evaluation criteria, 8 of the sailors increased in the rankings and 3 decreased. Of the 8 who increased, two were ranked as "EP" and six were "MP". The 3 who decreased remained "P"s. The 14 "EP" rankings were evenly distributed across four of the departments; only Weapons and Executive/Administration were not represented. While testimony provided perceptions of favoritism and a feeling that the E-5 rankings were unfairly changed (b)(6), (b)(7)(C), documentary and testimonial evidence provided that rankings were made based on job performance to include collateral duties, with ESWC qualifications not being a factor in the final rankings; given the confusion regarding the ESWC re-qualification process, not using ESWC qualification as a rating point was reasonable in the ranking process. The preponderance of the evidence reveals the E-5 rankings were based solely on the performance of the Sailors and not due to a Sailors assigned department.

**Leave and Special Requests Chits:** A review of the Leave and Special Request Log was conducted as part of an overarching review to ascertain whether disparate treatment onboard HUE CITY existed; no specific allegation regarding leave and special requests were received. USFF IG reviewed 643 documents between the dates of 12 Feb 2016 and 28 Apr 2017, finding only 20 denied requests; each denied case was handled based on Ship or Navy Instructions, Operational Commitment or known standards without bias. In several cases the denied requests were approved after an alternate solution was presented. No instances of disparate treatment based on gender, race, sexual orientation, or department were offered during crew interviews. The preponderance of the evidence reveals that leave and special request chits were processed in accordance with applicable instruction and operational need, and not due to a Sailors department assigned.

**Special Duty Privilege for** (b)(6), (b)(7)(C) : CNSL IG received a complaint which alleged that standing duty was optional for (b)(6), (b)(7)(C). While a specific violation was not alleged in the complaint, USFF IG included it as a possible incident of disparate treatment based on assigned department. USFF IG spoke with (b)(6), (b)(7)(C) who testified that (b)(6), (b)(7)(C) stands the Engineering Duty Officer watch in port as required to fill gaps when EDO watchstanders need a break or take leave, and (b)(6), (b)(7)(C) leads the Engineer Training Team underway for all drills. (b)(6), (b)(7)(C) acknowledged that explaining (b)(6), (b)(7)(C) rationale to the whole crew for not having (b)(6), (b)(7)(C) standing watch was challenging. While two officers called into question the amount of time (b)(6), (b)(7)(C) was on-call and present, both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) was onboard and on-call more often than the average person due to the challenging nature of the engineering plant, and that it would be ineffective for (b)(6), (b)(7)(C) to stand watch only to be called in the next day to resolve an issue, thereby not receiving a br (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) both testified that it was common practice for (b)(6), (b)(7)(C) to not stand watch while in-port or at sea. USFF IG contacted Commander, Naval Surface Squadron FOURTEEN (COMNAVSURFRON 14), HUE CITY's immediate-superior-in-command (ISIC) when in Mayport, FL, and found that approximately 50% of the ships assigned to COMSURFRON 14 adhere to this practice. The preponderance of the evidence reveals (b)(6), (b)(7)(C) made an operationally based decision is under (b)(6), (b)(7)(C) purview and consistent with other ships on the waterfront regarding (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and the amount of watchstanding he performs both in-port and underway. USFF IG finds no disparate treatment or favoritism regarding GSCS Mason.

### Analysis:

USFF IG received multiple allegations that (b)(6), (b)(7)(C) were abusive in their authority in that they were disparate and arbitrary when adjudicating disciplinary actions, watchstanding assignments, leave and special request chit approvals, and rankings/evaluations based on gender, race, sexual orientation, or department assigned. To summarize the findings of fact and determine whether the allegations of disparate treatment of Sailors by (b)(6), (b)(7)(C) are substantiated or not, USFF IG analyzed six specific areas: Non-judicial punishment adjudication, Fraternization, ARI Adjudication, 2017 E-5 Evaluations, Leave and Special Request Chits, and Special Duty Privilege for (b)(6), (b)(7)(C). Testimonial evidence provided by nine junior enlisted sailors, fifteen chief petty officer's, and twelve officers revealed no perceptions of disparate treatment based on gender, race, sexual orientation, or department assigned; a review of documentary evidence did not identify any instances of disparate treatment based on gender, race, sexual orientation, or department assigned. To be considered an abuse of authority the action must be capricious or arbitrary – to be disparate it must be inconsistent across different groups. USFF IG found that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) consistently made (b)(6), (b)(7)(C) aware of each incident that they became aware of. While each individual subjected to NJP action did not receive the same punishment, documentary and testimonial evidence found that it was the details of the offense, not disparate treatment, which governed (b)(6), (b)(7)(C) decisions to award punishment; consistent actions, were taken when the situations and nature of the

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offense were similar. Documentary and testimonial evidence determined that procedures and policies for granting leave and conducting evaluations were uniformly applied across all departments. The standard does not require that all actions be mirror images, rather that there is consistent application of rules and actions and defensible rationales to support the actions taken. The preponderance of the evidence reveals that (b)(6), (b)(7)(C) executed HUE CITY programs in a manner that did not allow preferential treatment based on gender, race, sexual orientation, or department assigned; that (b)(6), (b)(7)(C) executed HUE CITY programs in a manner that did not allow preferential treatment based on gender, race, sexual orientation, or department assigned; and that (b)(6), (b)(7)(C) executed HUE CITY programs in a manner that did not allow preferential treatment based on gender, race, sexual orientation, or department assigned. As such, USFF IG finds the following:

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, violated Article 1023, U. S. Navy Regulations by being arbitrary in the execution of command programs and duties, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, violated Article 1023, U. S. Navy Regulations by being arbitrary in the execution of command programs and duties, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, violated Article 1023, U. S. Navy Regulations by being arbitrary in the execution of command programs and duties, is **not substantiated**.

**Allegation Four:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, failed to act upon incidents of misconduct or complaints, a violation of Article 1137, U. S. Navy Regulations

**Allegation Five:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, failed to act upon incidents of misconduct or complaints, a violation of Article 1137, U. S. Navy Regulations.

**Allegation Six:** That between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), USS HUE CITY, failed to act upon incidents of misconduct or complaints, a violation of Article 1137, U. S. Navy Regulations.

#### Standards:

##### 1) Article 1137, U. S. Navy Regulations – Obligation to Report Offenses

Persons in the naval service shall report as soon as possible to superior authority all offenses under the Uniform Code of Military Justice which come under their observation, except when such persons are themselves already criminally involved in such offenses at the time such offenses first come under their observations.

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Analysis and Finding:

**Assault** (b)(6), (b)(7)(C) USFF IG received a complaint from an individual identifying themselves as the (b)(6), (b)(7)(C). In this complaint, the (b)(6), (b)(7)(C) wrote that (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), had been slammed into the wall and floor by a cook onboard HUE CITY. The complaint further alleges that (b)(6), (b)(7)(C) informed them that (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) were aware of the incident, and in an attempt to “make it go away,” ended (b)(6), (b)(7)(C) food service attendant time earlier than previously scheduled.

USFF IG investigators spoke with (b)(6), (b)(7)(C) who stated that (b)(6), (b)(7)(C) had not been assaulted, rather that (b)(6), (b)(7)(C) had slipped and fallen while performing food service attendant duties and that a (b)(6), (b)(7)(C) attempted to break (b)(6), (b)(7)(C) fall by grabbing (b)(6), (b)(7)(C) an action (b)(6), (b)(7)(C) believes led individuals to assume the (b)(6), (b)(7)(C) struck him. Furthermore, (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was summoned to (b)(6), (b)(7)(C) office to discuss the incident at which time (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) had not been assaulted. Additionally, (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) did not inform (b)(6), (b)(7)(C) family of the incident, and as an adopted child, (b)(6), (b)(7)(C) family has a different name (b)(6), (b)(7)(C). Based upon documentary and testimonial evidence, (b)(6), (b)(7)(C) took action (b)(6), (b)(7)(C) deemed appropriate to address a perceived issue at the appropriate level. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

**Assault** (b)(6), (b)(7)(C) : USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that (b)(6), (b)(7)(C) grabbed (b)(6), (b)(7)(C) by the collar and slammed (b)(6), (b)(7)(C) against the bulkhead. (b)(6), (b)(7)(C) further wrote that (b)(6), (b)(7)(C) was aware of the incident but did not interview personnel who witnessed the incident.

USFF IG spoke with (b)(6), (b)(7)(C) who confirmed that (b)(6), (b)(7)(C) had grabbed (b)(6), (b)(7)(C) by the collar to move (b)(6), (b)(7)(C) for safety reasons, an action (b)(6), (b)(7)(C) did not have issue with. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) verbally counseled (b)(6), (b)(7)(C) about the need to explain (b)(6), (b)(7)(C) actions when putting (b)(6), (b)(7)(C) hands on another Sailor and informed (b)(6), (b)(7)(C) of (b)(6), (b)(7)(C) actions. Additionally, (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) after the incident. Based upon documentary and testimonial evidence, (b)(6), (b)(7)(C) took action (b)(6), (b)(7)(C) deemed appropriate to address a perceived issue at the appropriate level. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

**Assault** (b)(6), (b)(7)(C) : USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) assaulted (b)(6), (b)(7)(C), but provided no additional specifics.

USFF IG investigators spoke with (b)(6), (b)(7)(C) who testified that he had not been involved in an incident with (b)(6), (b)(7)(C) and was unaware of any complaints on his behalf. The preponderance of the evidence reveals that there was no basis for (b)(6), (b)(7)(C) to take action as the alleged incident had no basis in fact.

**Assault** (b)(6), (b)(7)(C): USFF IG received a complaint which alleged the HUE CITY chain-of-command failed to take action after an anonymous note alleging (b)(6), (b)(7)(C) had shoved (b)(6), (b)(7)(C) had been placed in the CO's suggestion box.

USFF IG found that (b)(6), (b)(7)(C) had pushed (b)(6), (b)(7)(C) by the shoulder to direct (b)(6), (b)(7)(C) to an area to discuss an issue, and released (b)(6), (b)(7)(C) when (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to. (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) verbally counseled (b)(6), (b)(7)(C) on (b)(6), (b)(7)(C) behavior and spoke with (b)(6), (b)(7)(C) who expressed that (b)(6), (b)(7)(C) was apologetic. USFF IG investigators spoke with (b)(6), (b)(7)(C) who confirmed that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had been involved in an altercation but that it was dealt with immediately between the two and resolved to (b)(6), (b)(7)(C) satisfaction. (b)(6), (b)(7)(C) further testified that (b)(6), (b)(7)(C) was shocked to hear that a complaint had been submitted on (b)(6), (b)(7)(C) behalf and immediately informed (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) didn't have an issue with (b)(6), (b)(7)(C). The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

**Sexual Harassment** (b)(6), (b)(7)(C): On or about 5 June 2017, (b)(6), (b)(7)(C) approached USFF IG investigators with concerns about a sexual harassment complaint (b)(6), (b)(7)(C) had filed a few days prior against (b)(6), (b)(7)(C). USFF IG investigators informed (b)(6), (b)(7)(C) that it was not appropriate for the IG to involve itself in an ongoing investigation, but that (b)(6), (b)(7)(C) could contact us after the investigation had been completed if (b)(6), (b)(7)(C) felt the investigation had been improperly adjudicated.

USFF IG found that the preliminary inquiry into (b)(6), (b)(7)(C) allegation initiated by (b)(6), (b)(7)(C) on 31 May 2017 was unable to determine if (b)(6), (b)(7)(C) made inappropriate comments due to conflicting testimony. In (b)(6), (b)(7)(C) testimony to USFF IG investigators, (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) awarded (b)(6), (b)(7)(C) a Non-punitive Letter of Caution based on the number of people within the preliminary inquiry that indicated (b)(6), (b)(7)(C) had an issue with personal space. USFF IG investigators spoke with (b)(6), (b)(7)(C) who confirmed that (b)(6), (b)(7)(C) was debriefed by (b)(6), (b)(7)(C) and was satisfied with the outcome of the process. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

**Coercion of False Statements:** USFF IG received an anonymous complaint which alleged 1) (b)(6), (b)(7)(C) threatened the anonymous complainant's career by contacting an Admiral (b)(6), (b)(7)(C) knew at PERS; and 2) that (b)(6), (b)(7)(C) coerced (b)(6), (b)(7)(C) to "take some people down" in exchange for (b)(6), (b)(7)(C) assistance for getting orders to MARMC.

1) USFF IG was unable to analyze part one of this complaint due to the vague nature of the complaint.

2) USFF IG investigators spoke with (b)(6), (b)(7)(C) who stated that after being onboard HUE CITY approximately 6 years and 3 months, his departure from HUE CITY was routine; dates that were verified by USFF IG. (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) did assist him in obtaining orders to MARMC in order to deal with family matters in the area, but denied that (b)(6), (b)(7)(C) ever asked (b)(6), (b)(7)(C) to lie on (b)(6), (b)(7)(C) behalf.

The preponderance of the evidence reveals that there was no basis for (b)(6), (b)(7)(C) to take action as the alleged incident had no basis in fact.

**Sea and Anchor Detail:** CNSL IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that a Sailor with problems adapting to the military had left (b)(6), (b)(7)(C) Sea and Anchor Detail watch assignment twice without being disciplined.

USFF IG determined the Sailor listed in (b)(6), (b)(7)(C) complaint to be (b)(6), (b)(7)(C). Documentation provided by HUE CITY revealed that (b)(6), (b)(7)(C), a 36-year old first term Sailor, had been found outside of deck berthing without being properly relieved from (b)(6), (b)(7)(C) Sea and Anchor Detail watch assignment on two separate occasions. (b)(6), (b)(7)(C) was found guilty at Captain's Mast of violating Article 92 (failure to obey order or regulation) and was awarded 10 days of extra duty, placed in a different department for a fresh start, and assigned a mentor. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

**Sexual Assault/Harassment** (b)(6), (b)(7)(C): On 11 November 2016, (b)(6), (b)(7)(C) wrote a letter to (b)(6), (b)(7)(C) in which (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) slapped (b)(6), (b)(7)(C) butt. On 16 November 2016, (b)(6), (b)(7)(C) directed that a preliminary inquiry look into the allegation. The Investigating Officer spoke with both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C); each denied any sort of relationship other than professional. Additionally, it was discovered that (b)(6), (b)(7)(C) made allegations of sexual assault against (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) after leaving HUE CITY. NCIS conducted an investigation into the sexual assault allegations under case numbers CCN: 17MAY17-SEMP-0081-8SNA (b)(6), (b)(7)(C) and CCN: 17MAY17-SEMP-0083-8SNA (b)(6), (b)(7)(C).

On 28 August 2017, (b)(6), (b)(7)(C) received a prosecutorial merit recommendation from Region Legal Service Office Southeast (RLSO-SE) for both cases, which did not recommend preferring sexual assault charges against (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C). It also stated that the most germane factors in coming to their recommendation were the lack of corroborating evidence to support the allegation, and possible motivation or bias of the victim. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the alleged incident was brought to their attention.

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**Blackmail:** NAVIG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that the HUE CITY (b)(6), (b)(7)(C) is blackmailing junior Sailors to submit false statements based on his supposed knowledge of them committing adultery. USFF IG determined that the (b)(6), (b)(7)(C) in question was (b)(6), (b)(7)(C). Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) testified that they had never heard of (b)(6), (b)(7)(C) engaging in this behavior. The preponderance of the evidence reveals that there was no basis for (b)(6), (b)(7)(C) to take action as the alleged incident had no basis in fact.

**Administration of CPO 365 Programs<sup>3</sup>:** CNSL IG received complaints from individuals who identified themselves as (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Both complaints alleged that CPO 365 training was not being conducted.

USFF IG found that CPO 365 activities were not being conducted between 16 September and 2 December 2016 due to the ship's schedule, schools, and mandatory deployment training requirements. However, based on a review of historical Plans of the Day, USFF IG found that CPO 365 training recommenced on or about 12 December 2016 with training sessions being held each week, mission dependent. The preponderance of the evidence reveals that CPO 365 training is occurring within the confines of operational demands.

**Discharge of 5" Deck Gun:** USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that during a July 2016 underway, the HUE CITY fired a 5" round from its deck gun at a civilian vessel. (b)(6), (b)(7)(C) further claimed that (b)(6), (b)(7)(C) was in command at the time of firing and that an internal investigation ignored "several procedures to ensure 100% safety."

USFF IG investigators determined that the incident in question took place on 1 October 2015, rather than July 2016 as alleged in the complaint. Additionally, it was determined that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had not yet reported to the HUE CITY; (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) arrived 165 days and 232 days, respectively, after the incident occurred. (b)(6), (b)(7)(C) was assigned to the HUE CITY at the time of the incident. USFF IG found that Commander, Carrier Strike Group TWO (CCSG2) conducted an investigation into the circumstances surrounding the incident. CCSG2 determined that the HUE CITY failed to competently follow mandatory procedures, which resulted in unacceptable danger to life and property. CCSG2 took action they deemed appropriate against (b)(6), (b)(7)(C) at the time and directed that the entire HUE CITY crew receive training as prescribed by the Commander, Naval Surface Force Atlantic message 191500ZNOV15: Surface Gunnery Safety. Based upon documentary evidence, it was determined that the incident was reported to CCSG2 for action; neither (b)(6), (b)(7)(C) nor

<sup>3</sup> CPO 365 Program: CPO 365 consists of two phases. Phase 1 starts September 17 and concludes when the NAVADMIN announcing CPO selection results is released. All FCPOs will participate throughout the duration of Phase 1 regardless of whether they are board-eligible or not. Phase 2 starts when the NAVADMIN announcing CPO selection is released and concludes with the Pinning Ceremony. All FCPOs will remain engaged in primary training events during Phase 2 with the understanding there may be specific instances where CPO Selectees conduct separate sessions (i.e. fundraising, CPO Selectee Leadership Course and others to be determined by CMCs).

(b)(6), (b)(7)(C) was in command at the time of the incident. The preponderance of the evidence reveals (b)(6), (b)(7)(C) at the time of the incident did report the incident to their immediate-superior-in-command who conducted an investigation.

**Fuel Spill:** USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that the HUE CITY had recently suffered a fuel spill, but due to (b)(6), (b)(7)(C) being afraid of the (b)(6), (b)(7)(C) no action was taken.

USFF IG found that HUE CITY suffered a fuel leak on 12 April 2017 due to an equipment casualty which resulted in the discharge of 28,000 gallons of fuel into the ocean. A preliminary inquiry was completed on 24 April 2017 which found the fuel spill occurred due to an equipment failure, a SMARTSHIP error, and inadequate EOSS procedures. On 29 May 2017, (b)(6), (b)(7)(C) forwarded this report with (b)(6), (b)(7)(C) endorsement to CCSG2 with (b)(6), (b)(7)(C) recommendations on how to prevent reoccurrence of the issue. Based upon documentary and testimonial evidence, it was determined that (b)(6), (b)(7)(C) initiated an investigation into the fuel spill and reported the incident to CCSG2. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the incident was brought to their attention by initiating a command directed investigation with results forwarded to CCSG2.

**Liberty Party Restriction:** On 17 April 2017, USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that (b)(6), (b)(7)(C) made it a policy that Sailors from the Engineering Department would not be allowed to sign out on liberty with Sailors from other departments, and that (b)(6), (b)(7)(C) was aware of the policy and would not allow Sailors from different departments to sign-out on liberty together.

USFF IG investigators spoke with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) about (b)(6), (b)(7)(C) liberty order and found that (b)(6), (b)(7)(C) had heard a rumor of this occurring and brought the issue to (b)(6), (b)(7)(C) attention; (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) and found that (b)(6), (b)(7)(C) was not restricting (b)(6), (b)(7)(C) personnel from taking liberty with Sailors from other departments. Based upon testimonial evidence, it was determined that (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) about the perception of liberty restriction. A review of documents and testimony reveals no instances in which a Sailor was placed on liberty restriction because they went on liberty with a Sailor from a different department. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the incident was brought to their attention and addressed the liberty restriction concern with the Department LCPO.

**Gun-Decking/Tag-Outs:** On 27 November 2016, CNSL IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that on two separate occasions Sailors were caught gun-decking or not tagging out equipment properly, and that no disciplinary action was taken. Additionally, on 17 April 2017, USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this

complaint, (b)(6), (b)(7)(C) wrote that an (b)(6), (b)(7)(C) white female had been caught gun-decking and received no disciplinary action.

Due to the non-specific nature of the allegation made by (b)(6), (b)(7)(C) USFF IG reviewed the NJP documents since (b)(6), (b)(7)(C) arrival aboard HUE CITY and found five instances in which (b)(6), (b)(7)(C) took NJP action against Sailors for gun-decking/tag-out issues; four Sailors (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) were subjected to NJP actions with each being awarded extra duty and /or restriction ranging between 14 to 45 days; two Sailors were awarded a reduction in rank (suspended for six months), and two Sailors were reduced in rank. The fifth Sailor, (b)(6), (b)(7)(C), was determined to be the (b)(6), (b)(7)(C) listed in (b)(6), (b)(7)(C) complaint. (b)(6), (b)(7)(C) appeared at XOJ where it was determined the alleged “gun decking” was a training session gone awry, in that a training spot check had inadvertently been turned in as a historical spot check. This training error was attributed to miscommunication following the departure of the 3MC and arrival of a brand new work-center supervisor. No punitive action was taken against (b)(6), (b)(7)(C). The preponderance of the evidence reveals (b)(6), (b)(7)(C) took action on all gun-decking/tag-outs brought to their attention with disciplinary action determined on a case-by-case basis based on the merits of the case.

**Timely medical assistance:** USFF IG received a complaint which alleged that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) had been injured while handling a 5” round and that (b)(6), (b)(7)(C) remained onboard HUE CITY for a week after experiencing a concussion, falling out of a shower, and nearly being blinded.

USFF IG found that on 18 June 2017, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had been conducting preventive maintenance on a 5” gun mount when (b)(6), (b)(7)(C) discovered a mechanical issue. Believing the system to be depressurized, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) attempted to repair the deficiency without a proper procedure or proper personal protective equipment. This action resulted in hydraulic fluid being discharged into (b)(6), (b)(7)(C) face and a mechanical part under 2000 psi being ejected from the weapon which struck (b)(6), (b)(7)(C) in the head. (b)(6), (b)(7)(C) was treated (b)(6), (b)(7)(C) for hydraulic fluid in his eyes and a mild concussion; (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), was informed of the incident and coordinated with (b)(6), (b)(7)(C). While concussion symptoms abated, (b)(6), (b)(7)(C) complained of an orange blur in (b)(6), (b)(7)(C) eye and was MEDEVAC’d to Souda Bay, Greece to see an ophthalmologist who was unable to discover a source of irritation; (b)(6), (b)(7)(C) was transferred to Jacksonville, FL on 2 July for additional testing. Based upon the findings of the command directed investigation into the incident and email correspondence from (b)(6), (b)(7)(C), it was determined that (b)(6), (b)(7)(C) initiated an investigation into the incident and coordinated medical support for the injured Sailor with the CCSG2 SMO. The preponderance of the evidence reveals (b)(6), (b)(7)(C) did take action when the incident was brought to their attention by completing a

command directed investigation and coordinating medical care for the injured Sailor, which ultimately resulted in that Sailor being MEDEVAC'd for additional diagnostic procedures.

### Analysis:

USFF IG received multiple allegations that (b)(6), (b)(7)(C) failed to act upon violations when brought to their attention. In response to these allegations, USFF IG analyzed fourteen specific alleged events (Assault (b)(6), (b)(7)(C)), Assault (b)(6), (b)(7)(C)), Assault (b)(6), (b)(7)(C)), Assault (b)(6), (b)(7)(C)), Sexual Harassment (b)(6), (b)(7)(C)), Coercion, Sea & Anchor Detail discipline, Sexual Harassment/Assault (b)(6), (b)(7)(C)), Blackmail, Administration of CPO 365, Discharge of 5" Deck Gun, Fuel Spill, Liberty Party Restriction, Gun-Decking/Tag-Outs, and Timely medical assistance). The standard requires that individuals report offenses when they are made aware of them, and establishes the obligation of leaders to act on those reports. Documentary and testimonial evidence provided found that (b)(6), (b)(7)(C) took action to address each incident that was brought to their attention, often times by initiating a command directed investigation. The preponderance of the evidence reveals that (b)(6), (b)(7)(C) took action to address each incident that was brought to (b)(6), (b)(7)(C) attention; that (b)(6), (b)(7)(C) took action to address each incident that was brought to (b)(6), (b)(7)(C) attention; and that (b)(6), (b)(7)(C) took action to address each incident that was brought to his attention. As such, USFF IG finds the following:

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS HUE CITY, violated Article 1137, U. S. Navy Regulations by failing to act upon incidents of misconduct and complaints, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS HUE CITY, violated Article 1137, U. S. Navy Regulations by failing to act upon incidents of misconduct and complaints, is **not substantiated**.

The allegation that between 18 March 2016 and 7 June 2017, (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS HUE CITY, violated Article 1137, U. S. Navy Regulations by failing to act upon incidents of misconduct and complaints, is **not substantiated**.

**Command Equal Opportunity Program:** USFF IG received a complaint from an individual identifying them self as (b)(6), (b)(7)(C). In this complaint, (b)(6), (b)(7)(C) wrote that the HUE CITY doesn't care about equal opportunity; the command climate survey was conducted in June 2016 and debriefed to the command nearly one year later on 15 April 2017 by (b)(6), (b)(7)(C). Due to the non-specific nature of the allegation made by (b)(6), (b)(7)(C) USFF IG reviewed the Command Managed Equal Opportunity (CMEO) program since (b)(6), (b)(7)(C) arrival aboard HUE CITY. Specifically, USFF IG conducted a review of the DEOMI Organizational Climate Survey in question; USFF IG was unable to fully complete a comprehensive review of the HUE CITY CMEO program due to a lack of accurate record keeping.

USFF IG found that on 27 April 2017, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Commander, Carrier Strike Group TWO appointed (b)(6), (b)(7)(C),

CCSG2, to inquire into the unit cohesiveness, effectiveness, and leadership aboard HUE CITY.

On 29 April 2017, (b)(6), (b)(7)(C), a member of the CCSG2 staff possessing the CMEC NEC, conducted a review of the HUE CITY CMEC program finding multiple deficiencies. (b)(6), (b)(7)(C) assessment of the CMEC program found the following: some members of the Command Training Team (CTT) had not received formal training; some members of the CTT had not completed refresher training; some members of the Command Assessment Team (CAT) had not received formal training; and some members of the CAT had not completed refresher training. (b)(6), (b)(7)(C) recommended that HUE CITY request a waiver for each of the identified deficiencies until the ship returned from deployment, or receive training from the USFF EAO via video teleconference, if available. Additionally, (b)(6), (b)(7)(C) recommended that the CAT keep minutes of their meetings, that the name of the CMEC and a "CMEC Note" be added to the POD. In speaking with (b)(6), (b)(7)(C), USFF IG found that (b)(6), (b)(7)(C) had not received an official CMEC complaint since becoming the CMEC manager. (b)(6), (b)(7)(C) testified that issues brought to (b)(6), (b)(7)(C) attention did not constitute a violation based upon the five equal opportunity protected classes and (b)(6), (b)(7)(C) determined that each of the issues were miscommunications that (b)(6), (b)(7)(C) addressed with the complainant's chain-of-command. Additionally, (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) kept (b)(6), (b)(7)(C) informed of issues brought to (b)(6), (b)(7)(C) attention which was confirmed in testimony provided by (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). USFF IG found that (b)(6), (b)(7)(C) did not keep records of complaints that (b)(6), (b)(7)(C) deemed not to be CMEC in nature, which is not a violation of applicable regulations. However, (b)(6), (b)(7)(C) now maintains a log of all CMEC interactions in accordance with guidance provided by (b)(6), (b)(7)(C).

From 7-11 May 2017, members from the Commander, Naval Surface Forces, U. S. Pacific Fleet embarked HUE CITY to conduct focus groups as part of an Afloat Culture Workshop (ACW). The results of these focus groups found that there was a lack of trust in (b)(6), (b)(7)(C) as the (b)(6), (b)(7)(C); however no specific examples were provided. As a result of this finding, (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C); (b)(6), (b)(7)(C) directed (b)(6), (b)(7)(C) to conduct annual training to better inform the crew of CMEC matters. Of note, interviews conducted by USFF IG found that the vast majority of the Officer's distrusted (b)(6), (b)(7)(C), while the majority of the Chief's Mess trusted (b)(6), (b)(7)(C); junior enlisted personnel felt comfortable bringing CMEC related issues to (b)(6), (b)(7)(C). While no specific examples were identified in the ACW focus groups, a confrontation between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) was brought to the attention of USFF IG. USFF IG found that on 28 February 2017, during a weekly Chief's meeting in the Chief's Mess, (b)(6), (b)(7)(C) accused (b)(6), (b)(7)(C) of filing complaints against (b)(6), (b)(7)(C) in an effort to have (b)(6), (b)(7)(C) fired, an allegation which (b)(6), (b)(7)(C) denied. On 1 March 2017, (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) and informed (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) didn't trust (b)(6), (b)(7)(C) and that (b)(6), (b)(7)(C) should be removed (b)(6), (b)(7)(C). On 2 March 2017, (b)(6), (b)(7)(C) related these same feelings about (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C). While USFF IG acknowledges (b)(6), (b)(7)(C) comments may have had a chilling effect on the HUE CITY crew,

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USFF IG did not find (b)(6), (b)(7)(C) comments to be a breach of confidentiality or in violation of applicable rules or regulations.

On 10 May 2017, three weeks after the Chief Petty Officers were removed from HUE CITY, CCSG2 (b)(6), (b)(7)(C) submitted (b)(6), (b)(7)(C) report to (b)(6), (b)(7)(C) which found that the remaining crew expressed trust and confidence in their leadership, and that the reconstituted Chief's Mess was well-functioning and focused. On 28 May 2017, (b)(6), (b)(7)(C) endorsed (b)(6), (b)(7)(C) report and directed that (b)(6), (b)(7)(C) produce a plan of Action and Milestones (POA&M) and report its implementation by 15 December 2017. Additionally, (b)(6), (b)(7)(C) instructed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) to develop a POA&M based on the recommendations provided by the ACW, SPRINT team, and USFF CPO Training Team, and to assist (b)(6), (b)(7)(C) in implementing these recommendations.

USFF IG conducted a review of the DEOMI Organizational Climate Survey in question and found that the command climate assessment was initiated on 25 July 2016; 129 days after (b)(6), (b)(7)(C) took command of HUE CITY. On 24 August 2016, the Defense Equal Opportunity Management Institute forwarded a DEOMI Organizational Climate Survey Report (DEOCS) to (b)(6), (b)(7)(C); this report contained the Institutes analysis of the HUE CITY's climate extrapolated from the online survey responses. On 24 November 2016, following the completion of the Command Assessment Teams review of the DEOCS and the conclusion of focus groups, (b)(6), (b)(7)(C) provided the command climate survey executive summary to CNSL via CCSG2. The executive summary revealed that of the 338 personnel assigned to HUE CITY, 80 personnel completed the survey (24%) and 30 personnel were interviewed by the Command Assessment Team; (b)(6), (b)(7)(C) acknowledged the short-comings raised and offered a plan to improve the climate.

In testimony provided to USFF IG, (b)(6), (b)(7)(C) acknowledged that it was necessary to extend the survey response period due to the low response rate from the crew and that this additional time was announced to the crew via the Plan of the Day and over the 1MC. Additionally, (b)(6), (b)(7)(C) acknowledged numerous challenges, such as deployment work-ups, COMPTUEX, new CMEQ, and internet connectivity that delayed completion of the survey as well as the executive summary and debrief to the crew. All told, the command climate survey took 251 days to complete, vice the required 60 days. In April 2017 (b)(6), (b)(7)(C) briefed the results of the command climate survey and conducted an awards presentation and Seychelles liberty brief on the HUE CITY flight deck. Conflicting testimony was provided by some with respect to the debrief; some interviewed did not recall the debrief occurring, others vaguely recalled it, while still others recalled that (b)(6), (b)(7)(C) debriefed the survey in full and took questions about the survey's results. USFF IG found no requirement that defines the length for a command climate survey debrief. USFF IG spoke with the CNSL Command Climate Specialist (CCS) regarding the timeliness of the HUE CITY command climate survey and found that CNSL had an email from (b)(6), (b)(7)(C) requesting an extension but could not recall if a formal extension had been granted; the

email in which the response was believed to be corrupted and unable to be retrieved. USFF IG made contact with the USFF Equal Opportunity Advisor (EOA), who is responsible for all extensions, but (b)(6), (b)(7)(C) was unable to recall if an extension was requested or approved; the USFF EAO stated that (b)(6), (b)(7)(C) documentation would be retained by the CNSL CCS. The USFF EAO did offer that the tardiness of the report was not unusual across the Navy due to operational and technological limitations of vessels forward deployed.

### Analysis:

USFF IG received multiple allegations that the command did not care about equal opportunity and that the command climate survey was conducted and debriefed improperly. In response to these allegations, USFF IG consulted with (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), NAVINSGEN CCS, who conducted a review of the FY16 DEOCS for HUE CITY. This review found indicators which point to a perception of a poor command climate, fraternization, poor leadership, lack of accountability and poor communication. Additionally, (b)(6), (b)(7)(C) found HUE CITY to be below the navy service average in almost all DEOCS categories. USFF IG further analyzed documentary and testimonial evidence and found that the HUE CITY's CMEC program, while intact, suffered from a number of deficiencies and an overall lack of confidence in the CMEC, (b)(6), (b)(7)(C), by senior members of the crew. While issues were discovered with the initiation and completion of the command climate survey, namely the time period it took to accomplish these actions, it was determined that HUE CITY requested an extension through appropriate channels. Additionally, while issues of trust with (b)(6), (b)(7)(C) were identified, (b)(6), (b)(7)(C) still enjoys the support of (b)(6), (b)(7)(C) and has received assistance from the CCSG2 CCS in support of improving the CMEC program. Furthermore, as no official CMEC complaints were lodged, it is impossible to evaluate the reporting and disposition of alleged complaints. While deficiencies were noted in the survey process and CMEC program, actions were taken by HUE CITY to correct these deficiencies. USFF IG determined that it would not be appropriate to adjudicate these allegations further due to the fact that a preliminary inquiry into unit cohesion and effectiveness of the HUE CITY CMEC program had been completed by CCSG2; (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had directed corrective actions to address identified deficiencies; an alternate CMEC had been identified to broaden access; and both the CCSG2 CMEC and (b)(6), (b)(7)(C) had counseled (b)(6), (b)(7)(C).

### **CONCLUSION**

USFF IG determined that (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) were not arbitrary in the execution of command programs and duties, rather that they took action they deemed appropriate and evaluated each issue based solely on the merits of that issue, and not on the race, gender, sexual orientation, or department a Sailor is assigned. Accordingly, USFF IG concluded that these allegations against (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) are **not substantiated**.

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USFF IG determined that (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) acted upon incidents of misconduct and complaints when brought to their attention. Accordingly, USFF IG concluded that these allegations against (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) are **not substantiated**.

While USFF IG concluded that there had been no violations by the HUE CITY (b)(6), (b)(7)(C) they did note a culture that enabled these complaints to flourish. These underlying contr (b)(6), (b)(7)(C)s that enabled these allegations to gain traction included the fractured environment that existed prior to the removal of the seven Chief Petty Officers, the disconnects between the Department Heads, XO and Chief's Mess regarding program accountability, lack of documentation on actions taken and codification of standards, a broken CMEC program and widespread distrust of the (b)(6), (b)(7)(C).

Relationships within the Chief's Mess had been fractured since before (b)(6), (b)(7)(C) arrival in May 2015. At the time of the complaints, there were at least 3 different groups within the Chief's Mess working against each other to control programs and assert authority. Interviewees at all levels identified (b)(6), (b)(7)(C) E8 alliance, (b)(6), (b)(7)(C) group, and the "Avengers" led by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) as sub-elements within the Mess. As a result of the known sub-elements, rankings, assignments and awards were all viewed through the lens of "which faction was in favor". Unexplained differences, combined with poor communication, inadequate documentation and a fractured environment within the Chiefs Mess, created rumors and misperceptions that were left unchecked and fostered perceptions of favoritism and disparate treatment. Despite these issues, the HUE CITY crew is committed to the mission.

## RECOMMENDATION

USFF IG recommends closing this case without further action.